

**REMARKS/ARGUMENTS**

Claims 1-9 are pending in this application. By this Amendment, claims 1, 2, 4, 7 and 8 are amended, claim 9 is newly added, and claims 3, 5, and 6 are cancelled without prejudice or disclaimer. Support for the claims can be found throughout the specification, including the original claims and the drawings. Withdrawal of the rejections in view of the above amendments and the following remarks is respectfully requested.

The Office Action asserts that the Declaration filed on July 23, 2004, is defective because it does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all the information known to the person to be material to patentability as defined in 37 CFR 1.56. Applicant has enclosed a copy of the original Declaration, marked to indicate the paragraph which recites the required acknowledgement. It is respectfully submitted that the Declaration is in compliance with 37 CFR 1.56.

The Office Action rejects claims 1-8 under 35 U.S.C. §103(a) over U.S. Patent No. 6,954,850 to Howard et al. (hereinafter "Howard"), in view of U.S. Patent No. 5,837,986 to Barile et al. (hereinafter "Barile"). As noted above, claims 3, 5 and 6 have been cancelled. With respect to the remaining claims, the rejection is respectfully traversed.

The Howard reference discloses a communications device which can receive a new program for an electronic device or an appliance via a pager network. The device includes a transceiver, or at least a receiver, which can receive communications via the pager network. Communications would include the new program which can then be downloaded into an

electronic device.

Barile discloses a microprocessor-controlled device with software files that can be modified by a user. In the Barile system, a bar code scanner is attached to the microprocessor controlled device, and the bar code scanner is used to read data from a printed bar code. The data read from the printed bar code is then used to re-program the microprocessor-controlled device. As admitted in the Office Action, the detector 158 of the Barile device is not attached to a display device, and it does not read data from a display device. Instead, the Barile system requires that bar codes be printed. The Barile bar code scanner then reads information from the printed bar code.

It is respectfully submitted that there would have been no motivation to combine the bar code scanner of Barile with the electronic device disclosed by Howard. The Howard device already has a fully functioning way to obtain the data required to re-program itself, specifically, the receiver that communicates over the pager network. It would require a wholesale re-design of the Howard device to replace the RF receiver of the Howard device with a bar code scanner.

Making the suggested substitution would increase the cost of the Howard device, which is one reason that one of skill in the art would not have been motivated to make this change. In addition, once such a substitution was made, it would be impossible to simply transmit re-programming instructions to the Howard device via a pager network. Instead, it would be necessary to print re-programming data on bar codes, and then read the information with the bar code scanner. Thus, making the substitution would destroy the original intended function of the

Howard device. For all these reasons, it is respectfully submitted that one of skill in the art would not have been motivated to combine Howard and Barile.

The only motivation for combining Howard and Barile arises from Applicant's invention. In other words, it requires the improper use of hindsight, in view of Applicant's invention, to find a motivation for the suggested combination of Howard and Barile. For at least these reasons, it is respectfully submitted that the combination of Howard and Barile is improper, and that the rejection should be withdrawn.

Moreover, it is respectfully submitted that even the improper combination of Howard and Barile would still fail to disclose or suggest all the features of claims 1-8.

Independent claim 1 has been amended to recite, *inter alia*, a computer system that downloads data used to update the microcomputer of the electric home appliance, that converts the downloaded data into data of a binary digit form expressed with '0' or '1', and that displays the converted binary digit data on a display device by using two colors. Claim 1 further recites a detector which is connected with the electronic home appliance, that detects the color displayed on the display device, converts the color into data of a binary digit form, and applies the data to the electric home appliance.

Neither the Howard nor Barile references disclose or suggest that data to be used to reprogram a home appliance is displayed on the display device of a computer. In addition, Howard and Barile fail to disclose or suggest converting the downloaded data into data of a binary digit form and displaying each component expressed with '0' or '1' of the converted data

on a display device by using two colors. Howard and Barile also fail to disclose or suggest a detector which is connected with the electric home appliance that detects the color displayed on the display device, converts the color into data of a binary digit form, and applies the data to the electric home appliance.

Accordingly, the rejection of independent claim 1 over Howard should be withdrawn. Dependent claims 2 and 4 are allowable at least for the reasons set forth above with respect to independent claim 1, from which they depend, as well as for their added features.

Independent claim 7 has been amended to recite, *inter alia*, a computer system that downloads update data of the electric home appliance by being connected to the internet, converts the update data into data of a binary digit form expressed with '0' or '1', and which displays the converted data by using two colors of black and white.

As set forth above, neither Howard nor Barile disclose or suggest such features. Accordingly, the rejection of independent claim 7 over Howard and Barile should be withdrawn. Dependent claim 8 is allowable over Howard and Barile as least for the reasons discussed above with respect to independent claim 7, from which it depends, as well as for its added features.

For all the above reasons, withdrawal of the rejection is respectfully requested.

Newly added claim 9 is added to the application. It is respectfully submitted that new claim 9 also defines over the applied prior art and meet the requirements of 35 U.S.C. 112.

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are

Serial No. **10/502,318**

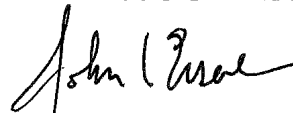
Docket No. **P-0711**

Reply to Office Action of August 24, 2007

earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **John C. Eisenhart**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP



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**Date: November 26, 2007**

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## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled

UPGRADE SYSTEM FOR SOFTWARE IN ELECTRIC HOME APPLIANCES

\_\_\_\_\_, the specification of which

[ X ] is attached hereto [ ] was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365 (b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s):**  
Number

Country

Foreign Filing Date  
Month/Day/Year

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s):

Filing Date (Month/Day/Year)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

**Prior U. S. Application**  
**or PCT Parent Number**

Filing Date (Month/Day/Year)

Parent Patent Number (if applicable)

PCT/KR2003/000197

01/28/2003

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

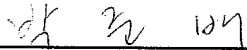
I hereby appoint the following attorney(s) and/or agent(s): Daniel Y.J. Kim, Registration No. 36,186 and Mark L. Fleshner, Registration No. 34,596; Carl R. Wesolowski, Registration No. 40,372, John C. Eisenhart, Registration No. 38,128, Rene A. Vazquez, Registration No. 38,647; Michael J. Cornelison, Registration No. 40,395; and Stuart I. Smith, Registration No. 42,159; and Carol L. Druzick, Registration No. 40,287, all of

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with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

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